IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

OP.No. 19878 of 2001(N)

PETITIONER:

K.R.UNNIKRISHNAN POTTI,
KULANGARA MADOM, ALANGAD POST,
KOTTAPPURAM.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

RESPONDENTS:
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1. **THE TRAVANCORE DEVASWOM BOARD,**
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE TRAVANCORE DEVASWOM BOARD,
TRIVANDRUM.

2. **THE SECRETARY,**
TRAVANCORE DEVASWOM BOARD,
OFFICE OF THE TRAVANCORE DEVASWOM BOARD,TRIVANDRUM.

3. **THE COMMISSIONER,**
TRAVANCORE DEVASWOM BOARD,
OFFICE OF THE TRAVANCORE DEVASWOM BOARD, TRIVANDRUM.

4. **THE ASSISTANT DEVASWOM COMMISSIONER TRAVANCORE DEVASWOM BOARD, OFFICE OF THE ASSISTANT DEVASWOM COMMISSIONER, N.PARUR GROUP,**
ERNAKULAM DISTRICT – 683 513.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL
SRI.C.VIJAYAN, SC, TDB
SRI.D.SREEKUMAR, SC, TDB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.32228/2001 IN O.P.NO.19878/2001 N

DISMISSED

19/06/2007 **SD/-THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PLAINT DTD. 10/08/91 IN O.S.NO.455/91 BEFORE THE MUNSIFF'S COURT, PUNALUR.**

EXT.P2: **COPY OF THE WRITTEN STATEMENT DTD. 17/02/1993 FILED BY THE 1ST DEFENDANT IN O.S.NO.455/91 BEFORE THE MUNSIFF'S COURT, PUNALUR.**

EXT.P3: **COPY OF THE WRITTEN STATEMENT DTD. 11/11/1992 FILED BY THE 2ND DEFENDANT.**

EXT.P4: **COPY OF THE PURCHASE CERTIFICATE ISSUED BY THE LAND TRIBUNAL DTD. 12/03/1990.**

EXT.P5: **COPY OF THE LOCATION SKETCH DTD. 21/06/1991 ISSUED BY THE VILLAGE OFFICER, ALANGAD.**

EXT.P6: **COPY OF THE POSSESSION CERTIFICATE DTD. 21/06/1991 ISSUED BY THE TAHSILDAR, TALUK OFFICER, PARAVUR.**

EXT.P7: **COPY OF THE NO OBJECTION CERTIFICATE DTD. 24/06/1991 ISSUED BY THE SPECIAL GRADE EXECUTIVE OFFICER, ALANGAD PANCHAYATH.**

EXT.P8: **COPY OF THE CERTIFICATE DTD. 30/07/1991 TO THE EFFECT THAT THE PETITIONER IS RESIDING IN THE BUILDING IN THE PROPERTY IN QUESTION.**

EXT.P9: **COPY OF THE TAX RECEIPT DTD. 7/08/1990.**

EXT.P10; **COPY OF THE ORDER DTD. 4/02/1999 FROM THE ASSISTANT COMMISSIONER, N.PARUR.**

EXT.P11: **COPY OF THE OBJECTION FILED BY THE PETITIONER DTD. 14/02/1999.**

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EXT.P12: COPY OF THE SHOW CAUSE NOTICE ISSUED THE 3RD RESPONDENT DTD. 18/12/1999 BY THE 3RD RESPONDENT R.O.C. NO..6658/98-L.SANTHI.

EXT.P13: COPY OF THE REPLY TO EXT.P12 FILED BY THE PETITIONER DTD. 23/12/1999 BEFORE THE 3RD RESPONDENT.

EXT.P14: COPY OF THE ORDER DTD. 30/12/1999 ISSUED BY THE 3RD RESPONDENT R.O.C.6658/98-L.SANTHI.

EXT.P15: COPY OF THE ORDER DTD. 7/02/2000 ISSUED BY THE 3RD RESPONDENT R.O.C.NO.6658/98-L.SANTHI.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.19878 of 2001-N

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Dated this the 19th day of June, 2007.

JUDGMENT

The petitioner was proceeded on counts of discipline while he was employed in the Travancore Devaswom Board and suffered an order of punishment of barring two increments permanently.

2. The petitioner was the "melshanthi" in a temple under the control of the Devaswom Board. There was a suit between him and the Devaswom as O.S.455/1991 in the Munsiff's Court, N. Parur in relation to title over a particular portion of the land which allegedly belonged to the Devaswom. There was a tree in that plot. It was alleged that the petitioner felled it. The civil Court ultimately concluded that the tree belonged to the Devaswom. The disciplinary action against the petitioner was on account of the wrongs

done in relation to the tree belonging to the Devaswom.

3. The petitioner filed appeal against the punishment. That did not find favour with the Devaswom.

4. On the basis of the aforesaid facts, examining the action taken by the respondents, it can be seen that there is no procedural irregularity, illegality or impropriety in the matter of conducting the enquiry. The findings arrived at are reasonable. The punishment imposed cannot be treated as grossly disproportionate to the proved charges.

In the aforesaid circumstances, I find no merit in this writ petition. The writ petition fails and it is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 19878 of 2001-N

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JUDGMENT

Dated: 19th June, 2007.